



Licensing Act 2003

2003 CHAPTER 17

PART 8

CLOSURE OF PREMISES

Closure of identified premises

165 Consideration of closure order by magistrates' court

- (1) A relevant magistrates' court must as soon as reasonably practicable after receiving an application under section 164(1)—
 - (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers under subsection (2) in relation to the closure order or any extension of it, and
 - (b) determine whether to exercise any of those powers.
- (2) The relevant magistrates' court may—
 - (a) revoke the closure order and any extension of it;
 - (b) order the premises to remain, or to be, closed until such time as the relevant licensing authority has made a determination in respect of the order for the purposes of section 167;
 - (c) order the premises to remain or to be closed until that time subject to such exceptions as may be specified in the order;
 - (d) order the premises to remain or to be closed until that time unless such conditions as may be specified in the order are satisfied.
- (3) In determining whether the premises will be, or will remain, closed the relevant magistrates' court must, in particular, consider whether—
 - (a) in the case of an order made by virtue of section 161(1)(a), closure is necessary in the interests of public safety because of disorder or likely disorder on the premises, or in the vicinity of and related to, the premises;

Status: This is the original version (as it was originally enacted).

- (b) in the case of an order made by virtue of section 161(1)(b), closure is necessary to ensure that no public nuisance is, or is likely to be, caused by noise coming from the premises.
- (4) In the case of licensed premises, the relevant magistrates' court must notify the relevant licensing authority of any determination it makes under subsection (1)(b).
- (5) Subsection (2) does not apply if, before the relevant magistrates' court discharges its functions under that subsection, the premises cease to be relevant premises.
- (6) Any order made under subsection (2) ceases to have effect if the premises cease to be relevant premises.
- (7) A person commits an offence if, without reasonable excuse, he permits relevant premises to be open in contravention of an order under subsection (2)(b), (c) or (d).
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20,000, or to both.
- (9) The powers conferred on a magistrates' court by this section are to be exercised in the place required by the Magistrates' Courts Act 1980 (c. 43) for the hearing of a complaint and may be exercised by a single justice.
- (10) Evidence given for the purposes of proceedings under this section must be given on oath.